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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,883	02/11/2002	Troy Alexander Shahoumian	10019765-1	1419

7590 04/28/2006  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/068,883

Applicant(s)

SHAHOUMIAN ET AL.

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 2/14/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-7,9,12-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7,9,12-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**HANH NGUYEN**  
**PRIMARY EXAMINER**

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 6, 7, 9, 12, 13, 15, 16, 17, 19 and 20 are rejected under 35 USC 103(a) as being unpatentable over Laursen (Pat. 6728807) in view of Raith (US pat. 6,760,311 B1).

In claims 3, 9, 12, 19 and 20, Laursen discloses an excess-port network switch ( fig. 1, network switch 2) comprising: a plurality of ports configured to receive and transmit data ( a plurality of ports 6a-6m bi-directly communicating data via link 18 to network 20, col. 1, lines 45-50); wherein each port is adapted to have a respective configured throughput ( each port has a predetermined bandwidth of two inputs 16 and two outputs 14, see col. 1, lines 60-55); and a switch fabric ( switch fabric 8a, fig. 1) configured to route said data between said plurality of ports and also configured to have a predetermined throughput that is less than a total of said respective configured throughputs of said plurality of ports (fig.2, switch fabric 8a provides bandwidth support for half of input connections 16 and output connections 14 connected to ports 6a-6h). See col.2, lines 20-30). Alternatively, the switch fabric may be coupled to input connections 16 and output connections 14 of a subset of ports 6e-6h; and the remaining ports 6a-6d are disabled (switch fabric configured to support a smaller number of ports in a network switch, col.2, lines 30-44). Laursen does not disclose a controller interfacing with ports and

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disable a port in response to a respective temperature sensor sensing a temperature exceeding a temperature limit.

Raith discloses, in fig. 1, a mobile/PC laptop device 120 ( a device) including a processing unit 175 ( a controller) coupled to a temperature measuring device 195 ( a temperature sensor). When the processing 175 ( controller) determinmes that the temperature of the mobile/PC laptop 120 such as the power amplifier ( determining a port temperature) exceeds a predetermined threshold temperature, the mobile /laptop reduces its transmission power or transmission rate ( reducing transmission power and transmission rate). See Abstract and col.4, lines 25-40 and col.6, lines 45-55 and col.8, lines 15-25. Therefore, it would have been obvious to one ordinary skilled in the art to implement the temperature sensor 195 and the processing 175 into the network switch of Laursen so that the processing unit can control temperature of a plurality of ports; disable one of the ports if the port temperature exceeds a temperature limits. The motivation is to use an alternate port for transmission when one of the port is disabled.

Inclaims 4 and 13, as disclosed by Raith in the rejection of claim 3, Raith discloses the transmission power of mobile device is reduced ( remove the power). See Abstract.

In claims 6 and 15, as disclosed by Laursen and Raith in claim 3, the processing unit 175 is configured with the switch fabric 8A ( controller is configured to interface with the switch fabric).

In claims 7 and 16, as disclosed by Laursen in claim 3, a subset of ports 6e-6h is a zone supported by the switch fabric.

In claim 17, as disclosed by Lauren and Raith in claim 3, the mobile/labtop device is configured to disable in response to an additional error condition such as signal attenuation, fading ( see Raith at col.8, lines 35-45).

Claims 5 and 14 are rejected under 35 USC 103(a) as being unpatentable over Laursen (Pat. 6728807) in view of Raith (US pat. 6,760,311 B1), and further in view of Hoogenboom et al. (US Pat. 6,934,253 B2).

In claims 5 and 14, Laursen discloses the switch fabric 8a may be coupled to all input connections 16 and output connections 14 of a subset of ports 6e-6h; and the remnining ports 6a-6d are disabled (switch fabric configured to enable and disable at least one port of said plurality of ports). col.2, lines 30-44. Laursen does not disclose a data packet traffic rate being compared to a threshold. Hoogenboom et al. discloses in fig. 7a that at step 710, output control 350 ( fig.3) compares packet values with selected maximum values to determine if a maximum value has been exceeded (data packet traffic rate being compared to a threshold). See col.5, lines 30-45. Therefore, it would have been obvious to apply the congestion control method of Hoogenboom et al. into Laursen in order to disable ports that creates congestion at the Output buffer.

### ***Response to Arguments***

Applicant's arguments with respect to claims 3-7, 9, 12-17, 19 and 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perholtz et al. (US pat. 5,566,339) discloses system and method for monitoring computer environment and operation.

Worley et al. ( US pat. 6,651,190 B1) discloses Independent remote computer maintenance device.

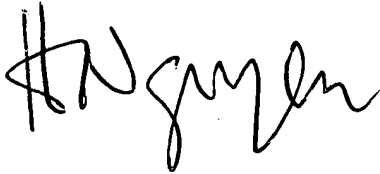
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-FRiday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 272 4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'H. Nguyen' with a stylized flourish at the end.

**HANH NGUYEN**  
**PRIMARY EXAMINER**